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Plaintiff in Pro Per

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,  
Plaintiff,  
vs.  
RIOT GAMES, INC.,  
Defendant

CASE NO. 2:25-CV-00053-FMO-BFM HON.

*Hon. Fernando M. Olguin*

DECLARATION OF MARC  
WOLSTENHOLME

PLAINTIFF'S MOTION FOR PROTECTIVE  
ORDER, REQUEST FOR JUDICIAL  
REVIEW OF SETTLEMENT  
PROCEEDINGS, AND REQUEST TO  
REASSIGN DISCOVERY OVERSIGHT TO  
THE DISTRICT JUDGE

Dated this: April 25, 2025

M. WOLSTENHOLME.  
[MARC WOLSTENHOLME]

**TO THE HONORABLE COURT:**

Plaintiff Marc Wolstenholme respectfully moves this Court for a Protective Order, for Judicial Review of the Settlement Conference proceedings conducted on April 24, 2025, before Magistrate Judge Brianna Fuller Mircheff, and for reassignment of all future discovery oversight directly to the District Judge. In support thereof, Plaintiff states as follows:

**I. INTRODUCTION**

The April 24, 2025, the settlement conference was intended to facilitate meaningful settlement discussions between the parties. Instead, the proceeding focused improperly on litigating substantive merits, particularly "access" to copyrighted material, an issue squarely outside the appropriate scope of a settlement conference. Moreover, non-admissible, public-facing and manipulated material from Riot Games' website was presented against Plaintiff without procedural safeguards or proper evidentiary basis and the judge grilled the Plaintiff on this, despite the Plaintiff showing it was misleading and it not being admissible. The Judge also stated that Riot would eventually bully me out of proceedings, thus accepting Riot's bullying tactics without addressing them. This is not only improper, but also dangerous and shocking behavior.

This conduct violated Plaintiff's due process rights, frustrated the settlement purpose of the conference, and caused undue prejudice, especially in light of Plaintiff's pro se

1 status and documented disabilities, leaving the plaintiff with chest tightness and chest pains and  
2 bed bound due to this absolute abuse.

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5 The Plaintiff documented his concerns and requested protection, yet these events  
6 have been allowed to continue behind closed doors. The Plaintiff sent numerous emails stating  
7 that Riot had already stated that they would attend and not settle and intended to use the  
8 conference to cause further harassment, harm, costs and pressure, yet the conference was still  
9 pushed. The Plaintiff stated to Judge Brianna Fuller Mircheff that he would attend only if he was  
10 protected and if a reasonable settlement was on the table, it wasn't, and the conference was  
11 barely about anything to do with settlement. Judge Brianna Fuller Mircheff had duty to call off  
12 the settlement if it was improper or useless and it was, instead of not proceeding, she grilled me  
13 on access for 2.5 hours, attacked three main routes of access I have shown, stated that a case can  
14 not be won without showing access passing hand to hand, such as Felicity Blunt to Riot Games,  
15 stated that being in the same entity (Company) didn't matter, and allowed a screenshot from  
16 Wayback Machine to be used against me to pretend that meant access could not be shown in that  
17 way, while never questioning why Riot is presenting a snapshot of a public website when they  
18 own and control the servers and Riot Forge website?

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21 The Judge ended the conference saying that she would not go back and ask Riot  
22 to settle because I had not shown access and they had shown a screenshot of the Wayback  
23 machine, thus no settlement was attempted. I was not once asked anything about settlement. The  
24 Judge directly pressured me into ending the case and stated that they would just wear me down  
25

1 anyway. Around ten times the Plaintiff had to say to the Judge, I didn't come nor prepare to  
2 litigate on access and yet the grilling continued. The Judge even leaned on the Plaintiff's  
3 disability, saying that because he had over 150 CVs of animation timeline, he was spending too  
4 long on the case, and it would be better for his health not to continue. This is direct use of a  
5 disability to apply pressure to end proceedings. The Judge even tried to coax the Plaintiff's sister  
6 into this, but his sister was fully aware of her tricks. It was relentless and shameful.  
7

8 No representative of Riot nor their insurance attended in the few minutes I was in  
9 the main conference room. This was not a properly conducted conference and needs to be  
10 reviewed. Riot had desperately tried to get a Magistrate Judge on the case, and now somehow  
11 there is one conducting discovery after already acting in such a vicious and improper manner.  
12

13  
14 In light of these concerns, Plaintiff no longer has confidence that Magistrate  
15 Judge Brianna Fuller Mircheff can oversee discovery fairly and impartially. Plaintiff respectfully  
16 requests that all future discovery matters be supervised by the District Judge directly and  
17 publicly and that Protection is afforded to the Plaintiff. If one were to go back through the  
18 documents, they would see that I have been raising concerns and stating I need protection from  
19 these concerns and each time, my concerns have not been addressed and the concerns have been  
20 correct leading to more damage and more costs and more harassment post abuse.  
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## 23 24 **II. LEGAL ARGUMENT**

### 25 **A. Settlement Conferences Must Remain Focused on Negotiations**

1 Federal Rule of Evidence 408 and Local Rule 16-15 protect settlement  
2 communications. Settlement conferences must promote candid dialogue and negotiation — not  
3 serve as vehicles for adjudicating contested factual issues. See *United States v. Contra Costa*  
4 *County Water District*, 678 F.2d 90, 92 (9th Cir. 1982).  
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6  
7 Here, questioning about "access" and presentation of public materials to refute  
8 Plaintiff's claims turned the conference into a quasi-adjudicatory event, violating the spirit and  
9 protections of settlement law.  
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12 B. Procedural Irregularities and Prejudice  
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14 Plaintiff was not informed in advance that the conference would address  
15 substantive factual disputes. Plaintiff had no opportunity to rebut Defendant's evidence, cross-  
16 examine, or introduce counter-evidence — denying Plaintiff fundamental fairness. Even when  
17 Plaintiff pointed out that the screenshot was manipulated and lies, the Judges till proceeding on  
18 pushing it. The Plaintiff is utterly shocked.  
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20 Moreover, Riot Games presented as "evidence" a public contact form unrelated to  
21 the secure submission portals discussed during prior filings. This mischaracterization  
22 exacerbated the unfairness and further prejudiced Plaintiff's position.  
23  
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1 C. Judicial Review, Protective Measures, and Reassignment of Discovery  
2 Oversight Are Warranted  
3

4 To preserve the integrity of these proceedings and to protect Plaintiff's right to a  
5 fair adjudication, the Court should:  
6

7  
8 Vacate the April 24, 2025, settlement conference record;  
9

10 Exclude all statements, exhibits, and representations made during the conference  
11 from future proceedings;  
12

13 Order that any future settlement discussions be recorded and supervised directly  
14 by the District Judge;  
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17 Reassign all future discovery matters to be supervised exclusively by the District  
18 Judge;  
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21 Issue a Protective Order preventing Defendant from using any materials presented  
22 at the April 24, 2025, conference as evidence in this matter.  
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1 Investigate why this was allowed to happen and why the Judge acted in this  
2 manner.

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4 **III. CONCLUSION**

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7 For the foregoing reasons, Plaintiff respectfully requests that this Court grant the  
8 Motion for Protective Order, Judicial Review, and reassignment of discovery oversight to the  
9 District Judge; vacate the record of the April 24, 2025 settlement conference; and impose  
10 appropriate safeguards to ensure the fairness and integrity of all future proceedings.  
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13 I'm asking for fairness and transparency, nothing more. I feel totally violated and  
14 abused by what I had to endure in that Conference.  
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**Declaration of Authenticity:**

I, Marc Wolstenholme, declare under penalty of perjury that the statements made are true and accurate

Executed on April 25, 2025, in Coventry, England.

Respectfully submitted,

Signature: *M. WOLSTENHOLME*

Marc Wolstenholme

Plaintiff in Pro Per

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